

Lunatic Asylums (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
 2. Interpretation.
 3. Power to detain lunatics in asylums and to retake them.
 4. Power to detain lunatics in district lunatic asylums and to retake them.
 5. Proprietor of licensed house, with consent of inspectors, may take or send patient to any place for his health.
 6. Patients may be permitted to be absent on trial from licensed houses and district lunatic asylums.
 7. Lunatics removed from gaols to district asylums to be treated, after expiration of sentence, as ordinary patients.
 8. Lunatics in central asylum whose sentences have expired may be removed to district asylum.
 9. A prisoner under remand, certified to be insane, may be removed to district lunatic asylum, and when sane be removed back for further examination.
 10. Amendment of 30 & 31 Vict. c. 118, s. 10, as to payment to medical officers for examination of lunatics.
 11. Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, made perpetual.
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B I L L

TO

Amend the Laws relating to Private and District Lunatic A.D. 1875.
Asylums in Ireland.

WHEREAS the Private Lunatic Asylums (Ireland) Act, 1842,
was passed with the object of amending for a limited period
thereto specified the law relating to private lunatic asylums in
Ireland, and the same was amended by an Act passed in the
5 session of Parliament held in the eighth and ninth years of the
reign of Her present Majesty, chapter one hundred and seven, (in
this Act referred to as "the Act of 1845,") and by the Private
Lunatic Asylums (Ireland) Act, 1874, which said Acts are in this
Act referred to as "The Private Lunatic Asylums (Ireland) Acts,
10 1842 to 1874;"

And whereas the Private Lunatic Asylums (Ireland) Acts, 1842
to 1874, were to a certain extent temporary in their duration, but
in so far as they are temporary in their duration have been
continued until the thirty-first day of December one thousand
15 eight hundred and seventy-five, and it is expedient further to
amend the said Acts, and to make the same perpetual:

And whereas under the provisions of an Act passed in the session
of Parliament held in the first and second years of the reign of His
late Majesty King George the Fourth, intituled "An Act to make
20 " more effectual provision for the establishment of Lunatic Asylums
" for the Lunatic Poor, and for the custody of Insane Persons
" charged with offences in Ireland," and of the Acts amending the
same, district lunatic asylums and a central criminal lunatic
asylum have been established in Ireland, and it is expedient further
25 to amend the said Acts:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

[Bill 189.]

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A.D. 1875.

Short titl.Interpretat.

1. This Act may be cited as "The Lunatic Asylums (Ireland) Act, 1875."

2. The term "licensed house" in this Act means any house duly licensed for the reception of insane persons in pursuance of the Private Lunatic Asylums (Ireland) Act, 1842.

The term "district lunatic asylum" in this Act means any district lunatic asylum established in Ireland under the provisions of the said Act of the session of the first and second years of the reign of His late Majesty King George the Fourth, and the Acts amending the same.

The term "the Lord Lieutenant" shall mean the Lord Lieutenant or other chief governor or governors of Ireland for the time being.

Power to
detain
lunatics in
asylums and
to retake
them.

8 & 9 Vict.
c. 100. s. 26.

3. Every proprietor and superintendent of a licensed house, and every other person by the Private Lunatic Asylums (Ireland) Act, 1842, authorised to receive or take charge of a lunatic upon an 15 order, and who shall receive, or has received, a proper order, in pursuance of the said Act, accompanied with the required medical certificates or certificate, for the reception or taking charge of any person as a lunatic, and the assistants and servants of such proprietor, superintendent, or authorised person, shall respectively 20 have power and authority to take charge of, receive, and detain such patient until he shall die, or be removed or discharged by due authority, and in case of the escape at any time or times of such patient to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid.

In every writ, indictment, information, action, and other proceeding which may be preferred or brought against any such proprietor or superintendent of a licensed house, or against any other person authorised as aforesaid, or against any assistant or servant of any such proprietor, superintendent, or authorised person, 30 for taking, confining, detaining, or retaking any person as a lunatic, the person complained of may plead such order and certificates or certificate in defence to any such writ, indictment, information, action, or other proceeding as aforesaid, and such order and certificates or certificate shall, as respects such person, be a justification 35 for taking, confining, detaining, or retaking such lunatic or alleged lunatic.

Power to de-
tain lunatics
in district
lunatic
asylums and
to retake
them.

8 & 9 Vict.
c. 100. s. 26.

4. The board of governors, or the resident medical superintendent of any district lunatic asylum, or the medical officer acting for him in his absence as superintendent of such district lunatic asylum, who shall receive a lunatic into such district lunatic asylum in accordance with the rules and regulations made by the

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A.D. 1875.

Lord Lieutenant and Privy Council in Ireland with respect to such district asylum and then in force, and the officers and servants of such district lunatic asylum, shall respectively have power and authority to take charge of, receive, and detain such patient until he shall die, or be removed or discharged by due authority, and in case of the escape at any time or times of such patient to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid.

In every writ, indictment, information, action, and other proceeding which may be preferred or brought against any such board of governors, or any member or members thereof, or against any resident medical superintendent, or any medical officer acting for him in his absence, or any officer or servant of any district lunatic asylum, for admitting, taking charge of, receiving, detaining, confining, or retaking as aforesaid any person as a lunatic, the board or person complained of may plead that such patient was admitted into such district lunatic asylum pursuant to the provisions of the rules or regulations aforesaid; and the fact of such admission shall, as respects such board or person respectively, be a justification for admitting, taking charge of, receiving, detaining, confining, or retaking such lunatic or alleged lunatic.

5. The proprietor or superintendent of any licensed house may, with the consent in writing of one of the inspectors of lunatics, take or send under proper control any patient to any specified place for any definite time for the benefit of his health; and any such consent may from time to time be renewed, and the place varied: Provided always, that before any such consent shall be given or renewed, the approval in writing of the person who signed the order for the reception of such patient, or by whom the last payment on account of such patient was made, shall be produced to such inspector, unless he shall, on cause being shown, dispense with the same.

6. One of the inspectors of lunatics as regards any licensed house, and two of the governors of any district lunatic asylum as regards such district lunatic asylum, may, from time to time, of his or of their own authority, permit any patient therein to be absent from such licensed house or district lunatic asylum upon trial for such period, not exceeding thirty days, as he or they may think fit, and any two of the governors of such district lunatic asylum may make or order to be made an allowance during any such period to any such patient of such district lunatic asylum, not exceeding what would be the charge for him in such district lunatic asylum, which

Patients may be permitted to be absent on trial from licensed houses and district lunatic asylums.

23 & 26 Vict. c. 111. s. 33.

A.D. 1875. — allowance shall be charged for him and he payable as if he were actually in such district lunatic asylum, but shall be paid over to him or for his benefit as the said governors may direct.

In case any person so allowed to be absent on trial for any period do not return at the expiration thereof, and a medical certificate as to his state of mind certifying that his detention as a lunatic is no longer necessary be not sent to the proprietor or superintendent of such licensed house, or to the resident medical superintendent of such district lunatic asylum, he may at any time within fourteen days after the expiration of the same period be retaken, as in case of an escape.

Lunatics removed from gaols to district asylums to be treated, after expiration of sentence, as ordinary patients.
30 & 31 Vict. c. 12, s. 6.

7. Every person who, in pursuance of the second section of the Act of the session of Parliament held in the first and second years of Her Majesty's reign, chapter twenty-seven, shall have been removed from a gaol to a district lunatic asylum, and who shall not have been duly certified to have become of sound mind, shall from and after the expiration of his sentence be regarded and treated in all respects as if he had been admitted into such asylum as an ordinary patient, and may be by the governors of such asylum, in their discretion, discharged or placed in the care of his friends in the same manner as any such ordinary patient.

Lunatics in central asylum whose sentences have expired may be removed to district asylums.
23 & 24 Vict. c. 75, s. 8.

8. It shall be lawful for the Lord Lieutenant to order that any person confined in the central criminal lunatic asylum established in pursuance of the Act of 1845, and who shall not have been duly certified to be of sound mind shall, on the expiration of his sentence, be removed to the district lunatic asylum established for the district to which it shall appear to the said Lord Lieutenant that such person properly belongs, and to determine to which county or county of a city or town comprised in such district the maintenance of such person in the district asylum shall be charged; and every such person, when so removed, shall be regarded and treated in all respects as if he had been admitted into such asylum as an ordinary patient, and may be by the governors thereof in their discretion discharged or placed in the care of his friends in the same manner as any ordinary patient.

A prisoner under remand, certified to be insane, may be removed to district lunatic asylums, and when sane

9. It shall be lawful for the Lord Lieutenant, by warrant under his hand, to order that any person who shall have been remanded by a justice or justices of the peace for further examination, and who during the period of such remand shall be certified by two physicians or surgeons or a physician and a surgeon to be of unsound mind, shall be removed to the lunatic asylum established for the district in which such person shall be confined; and such

person shall when so removed remain under confinement in such asylum until it shall be in like manner certified that such person has become of sound mind, whereupon the Lord Lieutenant is hereby authorised to issue his warrant directing that such person be remitted to the prison or place of confinement from which he was removed to the asylum, and he brought before the justices before whom he was ordered in the warrant of remand to be brought for further examination.

A.D. 1874.
be removed
back for fur-
ther exam-
ination.
27 & 28 Vict.
c. 23. s. 2.

10. Notwithstanding anything in section ten of the Act of the session of Parliament held in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and eighteen, to the contrary, it shall be lawful for any two justices causing any person to be examined by any medical officer as therein mentioned, if they think fit so to do, to make an order under their hands and seals upon the governors of the district lunatic asylum to which such person so examined shall be, or to which if found dangerous he might have been, directed to be taken, for the reasonable remuneration to such medical officer and for the payment of all other reasonable expenses in or about the examination of such person, not exceeding in the whole the sum of two pounds.

Amendment
of 30 & 31
Vict. c. 118.
s. 10. as to
payment to
medical
officers for
examination
of lunatics.

All moneys so ordered to be paid by the governors of any district lunatic asylum shall respectively be advanced, paid, presented for, and raised in like manner as any other moneys required for supporting and maintaining such district lunatic asylum.

25. 11. The Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, as amended by this Act, shall, in so far as the same are temporary in their duration, be and the same hereby made perpetual.

Private
Lunatic
Asylums
(Ireland)
Acts, 1842 to
1874, made
perpetual.

Lunatic Asylums
(Ireland).

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B I L L

To amend the Laws relating to Private
and District Lunatic Asylums in
Ireland.

(Proposed and brought in by
Sir Michael Hicks Beach and
Mr. Solicitor General for Ireland.)

Ordered, by the House of Commons, to be Printed,
27 May 1855.

[Bill 159] Under 1 os.